

**REMARKS**

Claims 1, 2, 8, 9, 14, 16, 18, 24, 33 and 42 have been amended. Claims 4-7, 11-13, 15, 17, 19, 21-23, 27-29, 35-39, 45-48 and 51-61 have been cancelled. New claim 62 is presented. In view of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1-61 were rejected under 35 U.S.C. 103(a) as being unpatentable over Downing et al. (Downing) (US Patent 5,963,647) in view of Risafi et al. (Risafi) (US Patent 6,473,500) and further in view of Tadesco et al. (Tadesco) (US Patent 6,085,888).

The Applicant has reviewed the Examiner's analysis with care and has, as further discussed below, amended each of the independent claims to recite features that are neither disclosed nor suggested in the cited prior art. Moreover, in order to expedite the successful prosecution of this application, a substantial number of claims have been cancelled.

Claim 1, as amended, recites that the beneficiary is given an activated money pick-up device and a corresponding personal code that is different from the device pick-up code. Each of the other pending independent claims recite similar limitations.

None of the references discloses or suggests the use of multiple codes that are different from one another. In these independent claims of the present application, the first code (e.g., device pick up code in claim 1) is utilized to enable the beneficiary to pickup the money pick-up device, and the second code (e.g., personal code in claim 1) is utilized with the money dispensing machine and the money pick-up device to collect the money.

None of the references employ a code to pickup a money pickup device. Tedesco clearly teaches the use of a code to purchase (i.e, using money in the form of pre-paid credit) a good (e.g., soda-pop) and, thus, this reference fails to teach or suggest using a code to pickup a money pickup device. In the Office Action, the Examiner asserts that Downing, as modified by Risafi, may be further modified by Tedesco to produce the claimed invention. Even if one of ordinary skill in the art were to make the combination as proposed by the Examiner, there still lacks a teaching in the cited prior art that separate codes are employed: one to pickup the device and another to use the device. Instead, one of ordinary skill in the art would understand that the code in Tedesco is utilized for the purpose of obtaining something from a machine, and given the teachings of Downing and Risafi, such a machine would be an ATM machine (or the CAT machine identified in Downing). Hence, the resulting combination of Downing, Risafi and Tedesco would produce a process that entails distributing a money card whereby the beneficiary would receive a PIN with the money card to enable the beneficiary to utilize the money card at a money dispensing machine. But, the resulting process still would not employ using a code by the beneficiary to obtain the money card in the first place. At best, it arguably may be obvious to require the beneficiary to show personal identification (e.g., a driver's license) in order to obtain the money card from, for example, the program sponsor disclosed in Risafi in order to pickup the money card, where such a resulting process surely would carry out the examiner's noted objective "to ensure security when transferring funds and thus allow for beneficiaries to have greater access to funds being transferred." (Office Action, page 3, last lines through page 4, line 2). Accordingly, the Examiner's proposed motivation and reason to combine the references

equally is satisfied with a process that calls for showing personal identification to pickup a money card with subsequent use of a code (e.g, PIN) in order to use the money card.

However, a beneficiary showing personal identification does not satisfy (nor make obvious) the claimed feature of employing a unique device pick-up code that corresponds to the transaction (i.e., the money transfer from the customer) to obtain the money pickup device.

Hence, the combination of the cited prior art does not make obvious the claimed invention as recited in each of the independent claims.

Moreover, independent claim 1 recites that the money pick-up device is activated in response to the beneficiary presenting the device pick-up code to the distributor. The other pending independent claims recite corresponding limitations.

It is further submitted that none of the references discloses or suggests activating the money pickup device after the device pick-up code is supplied by the beneficiary. All three references are silent in this regard. Given the relevant disclosure of Risafi, namely, distribution of money cards by a program sponsor, the combination of the cited art would, at best, result in creation of activated cards that then are distributed by the program sponsor. In such combination, even if, *arguably*, a beneficiary (i.e., a card recipient) is required to show some form of identification to obtain the money card, the program sponsor would simply provide the beneficiary with an already activated money card after receiving proper identification. Hence, the combination of the cited art would not produce the invention as recited in each of the independent claims.

Although the claims have been amended to further distinguish the claimed invention from the cited prior art, the applicant still submits that the references sufficiently teach away

from one another so as to make the combination in the first place improper. It is submitted that to establish that the combination is proper, the Examiner must have a reason to combine references in some reasonable manner and he must explicitly articulate those reasons. See *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385 (U.S. April 30, 2007). Accordingly, the arguments previously submitted are incorporated herein by reference. Namely, Downing teaches a money-transfer solution that enables “cardless withdrawal.” (e.g., see col. 3, lines 40-47). Hence, one of ordinary skill in the art reading Downing would be taught away from any modification which utilizes a physical device, such as an ATM-like card, to receive money. Risafi teaches a process for transferring money whereby a customer purchases a money card and then arranges for that card to be sent to the beneficiary for subsequent use of that money card. Risafi further teaches distribution of cards by a program sponsor, who purchases prepaid cards on behalf of the beneficiaries. The beneficiaries pickup the cards and then use those cards to obtain the money. In the Office Action, the Examiner asserts that “the teachings of Downing which use CAT machines capable of accepting transactions cards could be modified to include the teachings of Risafi on obtaining transaction cards capable of being used in such machines ...” (Office Action, page 3, lines 17-20). While the CAT machines in Downing are capable of accepting transaction cards, why would it be obvious to modify the Downing process/system to employ cards? The only arguable basis for modifying Downing is that the CAT machines in Downing are capable of accepting transaction cards, but this fact alone identifies the type of machine that may be employed in the process disclosed in Downing (i.e., cardless withdrawal). But, it does not give any basis or support that it would have been obvious to

modify the Downing process/system to employ a transaction card since employing a transaction card is completely contrary to the invention disclosed in that reference. Hence, it remains asserted that it would not have been obvious to combine the teachings of Downing and Risafi.

Tedesco, like Downing, entails an invention that explicitly teaches away from the use of a physical device. Namely, Tedesco teaches both a cardless and cashless system for the purchase of goods from a vending machine. A customer opens a subscription account with a fixed balance on a vending machine at a specific location, and to purchase a good from that vending machine the customer enters a redemption code which in turn results in the good being dispensed and the customer's subscription account being charged. In the Office Action, the Examiner acknowledges that "Risafi and Downing fail to teach that the personal code is used for obtaining a money pick up device." (Office Action, page 3, lines 12-13), but the Examiner asserts that Downing may be "further modified to include a pick up code entered into a vending machine as taught by Tedesco because it provides for an intended beneficiary to receive transfers of funds on ATM networks by using a transaction cards ... and a pick-up code ..." (Office Action, page 3, line 19 to page 4, line 2). The Examiner's basis for the combination is without any support in the references and, further, not supported by common sense or knowledge of a person of ordinary skill in the art. First, Tedesco clearly teaches away the use of cards, for whatever purpose, and thus one of ordinary skill in the art is taught clearly away from combining Tedesco with a card-based teaching, such as Risafi. Second, Tedesco is clearly directed to a cardless invention to enable a person to PURCHASE a good from a vending machine, which is completely opposite and

contradictory to the use of Tedesco as a teaching to employ a pickup code to pickup a money transaction card to enable the person using the pickup code to receive money. In other words, why would it be obvious to one of ordinary skill in the art to utilize Tedesco in a system/process that concerns money transfer when Tedesco is concerned solely with enabling a consumer to easily and quickly purchase goods. While Tedesco and either Downing and Risafi jointly concern some sort of monetary transaction, their similarities end there since Tedesco is concerned with purchasing a physical good, with such purchase NOT entailing a physical device, whereas Downing and Risafi are concerned with transferring money to a beneficiary.

In view of the foregoing, the claims are patentably distinct and unobvious over the cited prior art. It is therefore requested that the rejections of the claims under 35 U.S.C. 103(a) be withdrawn.

### **Dependent Claims**

Various dependent claims recite additional features that are neither disclosed nor suggested in the cited prior art. The following dependent claims are illustrative.

Claims 2 and 9 recite that the activating step includes transmitting the device pick-up code from the distributor to the money-transfer company, and then transmitting the personal code (Pin in claim 9) from the money-transfer company to the distributor (and subsequently supplied to the beneficiary). None of the references discloses creation of the personal code (to use the money pickup device) by the money transfer company after the distributor

supplies the device pick-up code (after receiving the device pick-up code from the beneficiary).

Claim 20 recites that the customer (who has supplied a sum of money to the money-transfer company) provides the beneficiary with the fund pickup number. None of the cited references discloses or suggests this feature. Risafi discloses distribution of money cards by a program sponsor. At best, *arguably*, even if a fund pickup number (i.e., a code to pickup the money pickup device) is provided to the intended beneficiary (as mentioned herein, it is asserted that the combination would NOT do this), the beneficiary would be provided with the fund pickup number by an entity (e.g., the card distributor) that is NOT the customer who had supplied money to the money transfer company. More likely, there would be no fund pickup number in the combination. As a more likely possibility, *arguably*, the PIN of the money card would be provided to the beneficiary prior to card pickup, but such a process would not result in the customer him or herself providing the beneficiary with the fund pickup number.

Claims 30, 31 and 32 recite that the distributor selects a money pick-up device from an inventory of money pick-up devices, and activates the money pick-up device selected from the inventory. Downing does not have a distributor of cards since it pertains to cardless transactions. Risafi merely states that a program sponsor can distribute prepaid cards and is silent with respect to activation of such cards. Tedesco is not concerned with activation since it doesn't involve physical devices that must be activated. Hence, none of the cited references discloses a distributor of money pick-up devices who carries out the features recited in claims 30-32.

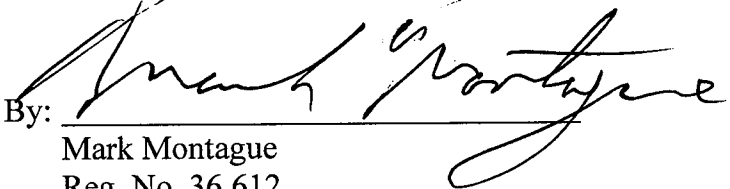
**New Claim**

New claim 62 depends from claim 1 and recites that “the step of providing includes generating the unique device pick-up code and providing said beneficiary with the generated unique device pick-up code, the generated unique device pick-up code being associated only with said sum of money collected during the collecting step so that the generated unique device pick-up code represents a single use code that cannot be used by the beneficiary to obtain a pick-up device associated with a different sum of money collected from the customer.” Thus, each time the customer implements the money transfer process of the present invention as recited in claim 62, a different device pickup code is generated and used by the beneficiary to obtain a new money pickup device. It is noted that Tedesco employs the use of a PIN with a user subscription whereby the same PIN is used each time the user desires to obtain a good from the vending machine, until the account balance is fully depleted. Although it is submitted, as previously addressed, that Tedesco is an improper reference to combine with the other cited prior art and, further, is an insufficient teaching to use a pickup code to pickup a money pickup device, the limitations set forth in new claim 62 further distinguish the invention by establishing that a multi-use PIN concept is not applicable to the invention as particularly recited in new claim 62. Accordingly, the allowance of new claim 62 is solicited.



In light of the foregoing amendments and remarks, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

By:   
Mark Montague  
Reg. No. 36,612

COWAN, LIEBOWITZ & LATMAN, P.C  
1133 Avenue of the Americas  
New York, New York 10036-6799  
(212) 790-9200